

### **REMARKS**

Claims 22, 24-35 and 37-41 were previously pending. Independent claims 22 and 31 have been amended. No new matter has been added. Claims 22, 24-35 and 37-41 remain pending in the application.

Claims 22 and 31 were each amended to recite that the non-ionic surfactant is a polyalkylene oxide that is greater than 90% capped and has a molecular weight between about 2500 and 10000. Support for this amendment can be found, for example, at paragraphs 0014 and 0018 in the application as filed.

### **Rejection of Claims under 35 U.S.C. § 103**

Claims 22, 24-35 and 37-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin et al. (U.S. Patent Application Publication No. 2003/0191231, now U.S. Patent No. 7,022,759) (Martin) in view of Belmont, United States Patent No. 5,672,198 (Belmont).

Independent claims 22 and 31 have been amended to recite that the non-ionic surfactant is a polyalkylene oxide that is greater than 90% capped and has a molecular weight between about 2500 and 10000. This surfactant definition encompasses the surfactant used in exemplary pigment composition "Ex.3," as shown in Tables 1 and 2, which provides excellent L and Mc values in both mono-coat and base coat/clear coat systems when compared to other systems.

The Office Action states that it would have been obvious to incorporate the modified carbon black product of Belmont in Martin's aqueous polymeric composition and further states (at paragraph 8) that Martin discloses suitable surfactants to assist in the dispersion of polyester oligomers in water, the surfactants including non-ionic surfactants such as polyethylene oxide compounds. The Office Action also discusses that the modified carbon products for use in the ink or coating of the present invention are not difficult to disperse in an aqueous vehicle and that dispersants are not necessarily needed to attain a usable ink or coating. The Office Action then

finds that “the modified carbon products only require low shear stirring or mixing to readily disperse the pigment in water, and thus to arrive at the subject matter of the instant claims 22-27, 31 and 37-41.”

Rather than leading one to combine these two disclosures, Applicant believes that the stated properties of the carbon product of Belmont teach away from combining the two references. The Office Action states that “...in contrast to conventional carbon pigments, the modified carbon products for use in the ink or coating of the present invention are not difficult to disperse in an aqueous vehicle.” It is precisely because the Belmont pigments are dispersible that one of skill in the art would not have been motivated to combine the easily dispersible pigment of Belmont with the dispersant composition of Martin. One of the advantages of a dispersible pigment is that it does not require an additional dispersant in order to form an aqueous dispersion. Thus, Applicant fails to see why one of skill in the art would have sought to combine an already dispersible pigment with a composition designed to aid in dispersion of non-dispersible compositions.

Applicant also fails to see where Martin discloses a nonionic surfactant that is insoluble in water, as recited in claims 22 and 31 and as defined in paragraph 0021 of the present application. Even more specifically, Martin fails to disclose a polyalkylene oxide that is greater than 90% capped and has a molecular weight between about 2500 and 10000, as recited in amended claims 22 and 31. Therefore, even if one were to make the proposed combination, the claimed invention would not result. Claims 22 and 31 are therefore patentable over the art of record. Claims 23-27 depend from claim 22 and claims 37-41 depend from claim 31. As a result, these dependent claims are patentable for at least the above-mentioned reasons. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

In view of the foregoing remarks, Applicant believes that this application is in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to

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issue. If, in the opinion of the Examiner, the application is not in condition for allowance, it is respectfully requested that the Examiner contact the Assignee's attorney at the telephone number below.

Respectfully submitted,  
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